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2 Do you recall what that was for?

3 A I don't recognize that name either.

4 Q Okay. And the next page which is

5 Plaintiff's 001129. There's a check for \$[REDACTED] from

6 Spicy Lingerie.

7 Do you recall what this was for?

8 A I do not. It just says hashtag model. So

9 I don't know.

10 Q Have you ever done any work for Spicy

11 Lingerie outside of modeling?

12 A What do you mean?

13 Q Other than modeling for photo shoots, have

14 you done any other work with them?

15 A I don't remember if I have for not.

16 Q The next page which is marked as

17 Plaintiff's 001130, and this says financial

18 statements. I don't know what this is. This was

19 produce indeed discovery.

20 Is this from your checking account?

21 A This looks like PayPal.

22 Q So where it has sales activity of

23 \$[REDACTED].

24 Do you see that five rows down?

25 A Yes.

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2 Q Is that from your sales of photographs?

3 A That would have been anybody who paid me

4 with PayPal. So I couldn't give a specific, who

5 it's from or from what.

6 Q So you have no way to know how much of

7 this \$[REDACTED] is attributed to modeling, correct?

8 A I mean, it would all be from modeling,

9 because I don't get PayPal money from anywhere else

10 besides if it's for like posting something or a job

11 or -- I mean, nobody's just sending me money to my

12 PayPal, you know.

13 Q So prior to this when were speaking about

14 you doing the posting, I think we saw a check here

15 for First Slice Media, LLC for \$[REDACTED].

16 So when they gave you that money, they

17 give you a check?

18 A Yes.

19 Q So whenever you do posts on social media,

20 you receive checks?

21 A Checks or PayPal or direct deposit.

22 Q So sometimes you do receive PayPal

23 compensation when you're reposting on social media?

24 A Yes.

25 Q Okay. So this \$[REDACTED] that you received

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2 for the reposting from First Slice Media, this was

3 all part of your tax returns in 2015, correct?

4 A It should be, if it was. My husband does

5 the taxes, so I just hand over everything.

6 Q I just want to make sure that I understand

7 that your income from 2015, your reported income of

8 \$[REDACTED], I want to see how much of that is

9 attributed to modeling and how much of that is

10 attributed to posting, makeup, whatever else you're

11 doing on the side.

12 Do you have any idea of how much this

13 \$[REDACTED] would be attributed to modeling?

14 MR. GOLASZEWSKI: Objection.

15 A All of it, because that's my -- I mean, I

16 only work maybe makeup jobs here on there if I want

17 to. But for the most part, it's -- I'd say,

18 99 percent is modeling.

19 Q So do you consider the reposting on

20 Facebook modeling?

21 A It is, yes.

22 Q Same thing. So for this First Slice

23 Media -- just talking about them only -- correct me

24 if I'm wrong, I think you said before that you were

25 reposting articles?

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2 A Yes, articles. But about -- they could

3 have an article about you if they wanted, as well.

4 Q But not all the reposting that you're

5 doing has a picture of you this it, correct?

6 A Correct.

7 Q And that's all encompassed in this

8 modeling Schedule C, correct?

9 A Yes.

10 MR. SPIEGEL: Off the record.

11 (Whereupon, an off-the-record

12 discussion was held at this

13 time.)

14 Q So part of the allegations in the lawsuit

15 is that you do not want to be associated with a

16 strip club, correct?

17 A Correct.

18 Q Have you ever worked as an exotic dancer

19 or stripper?

20 A No.

21 Q Have you ever worked in a strip club?

22 A No.

23 Q Have you ever worked as an escort, even no

24 just sex, companionship?

25 A No.

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2 Q Have you ever done any advertisement for a

3 strip club?

4 A No.

5 Q Have you ever seen an advertisement for a

6 strip club?

7 A Yes.

8 Q Do you expect those women who are

9 advertising for the strip club to be present at the

10 strip club?

11 A Probably. If they're advertising it, yes.

12 Q Have you ever been to a strip club?

13 A Yes.

14 Q Have you ever seen an advertisement for

15 that strip club that you've been to?

16 A What do you mean? Like on a billboard

17 somewhere?

18 Q Sure.

19 A Yes.

20 Q Were those women that you saw advertising

21 for that strip club at the strip club?

22 A They could have been. I mean, sometimes

23 they're good looking. Sometimes they're not. It's

24 hard to tell sometimes.

25 Q Have you ever typed your name into Google?

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2 A Back in the day, yes. But I keep from

3 doing so.

4 Q Not recently?

5 A No, I do not Google my name. I refuse.

6 Q Are you aware that you have your image and

7 videos on pornographic websites?

8 MR. GOLASZEWSKI: Objection.

9 A It happens, yes.

10 Q Are you aware of it though?

11 MR. GOLASZEWSKI: Objection.

12 A Yes. I mean, you can't control everything

13 on the internet.

14 Q Did you authorize pornographic websites

15 to put your images or photos on their website?

16 A No, not on their website.

17 Q Have you ever tried to remove photos or

18 videos of yourself from any pornographic websites?

19 A I'm sure I have.

20 Q Any that you recall?

21 A I mean, I haven't Google in a long time.

22 The only thing I search is on social media.

23 Q Are you familiar with the other plaintiffs

24 in this case?

25 A Yes.

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2 Q Do you know them on a personal level?

3 A No.

4 Q You just know them from the lawsuit?

5 A Yes.

6 Q I'm going to show you the caption of the

7 complaint which is marked as TT1. I would like you

8 to take a look at all the named plaintiffs and see

9 if you recognize any of the names.

10 A Yes.

11 Q Which ones do you recognize?

12 A Gemma, Jessa.

13 Q Gemma's last name is Gemma Lee Farrell?

14 A Yes.

15 Q And Jessa Hinton?

16 A Yes. Jesse Golden. I think I worked with

17 Sheena back in the day. I don't know her

18 personally, no. Heather Rae Young. Rachel.

19 Sabella, I think I worked with once. I know Ursala,

20 and I met Carmen once on a job.

21 Q So you know pretty much all of them?

22 A Pretty much.

23 Q These are exhibits to the complaint, but

24 I've redacted the names.

25 I just want to know if you could tell me

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2 who these people are.

3 A Okay.

4 Q Because on the exhibits we received in the

5 complaint, it has everyone's name, okay.

6 A Yes.

7 Q So the first one I'm going to show you is

8 Exhibit B of the complaint. Same photo, just with

9 the name redacted.

10 Do you know who that is?

11 A Yes, that's Gemma.

12 Q That's Gemma. Are you friends with Gemma?

13 A I know her because she's a Playmate as

14 well.

15 Q Okay. I'm going to go to -- I'm sorry,

16 this is Exhibit D of the complaint.

17 It's a smaller photo, but do you know who

18 that is?

19 A That looks like Heather.

20 Q Heather --

21 A Heather Rae Young.

22 Q And if you could, turn to the next one

23 which is Exhibit E of the complaint.

24 Do you know who that is?

25 A That would be Rachel, and Sabella on the

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<p style="text-align: right;">Page 125</p> <p>1 T. TOTH</p> <p>2 right.</p> <p>3 Q Turn to the next one, Exhibit G of the</p> <p>4 complaint.</p> <p>5 A Okay.</p> <p>6 Q Do you recognize anyone in any of those</p> <p>7 photos?</p> <p>8 A That would be -- oh, my God, why can't I</p> <p>9 think of her name right now.</p> <p>10 Q But you know who she is?</p> <p>11 A Yes. Her last name is Mayes.</p> <p>12 Q Can you turn to the next one, please,</p> <p>13 Exhibit H. Can you turn to the photo.</p> <p>14 Do you know who that is?</p> <p>15 A That's Jessa Hinton.</p> <p>16 Q Okay. Can you turn to the next one,</p> <p>17 please, Exhibit J?</p> <p>18 A I'm sorry. Going back, it was Ursula.</p> <p>19 MR. GOLASZEWSKI: Mayes.</p> <p>20 A It's a unique name.</p> <p>21 Q Exhibit J, can you look at the photograph?</p> <p>22 A Yes. That is Jesse. I think so. It's</p> <p>23 pretty like grainy, but it looks like it's Jesse.</p> <p>24 Q If you could turn to the next one, Exhibit</p> <p>25 L of the complaint.</p>	<p style="text-align: right;">Page 127</p> <p>1 T. TOTH</p> <p>2 Does that happen often?</p> <p>3 MR. GOLASZEWSKI: Objection.</p> <p>4 A When I'm made up and look like my photos,</p> <p>5 yes.</p> <p>6 Q When did you get to New York?</p> <p>7 A Last night.</p> <p>8 Q So when you got to New York, when you</p> <p>9 arrived in New York, going from the airport to your</p> <p>10 hotel and here today, has anyone recognized you?</p> <p>11 MR. GOLASZEWSKI: Objection.</p> <p>12 A No, because I did not like my photo.</p> <p>13 Q What about over the past week.</p> <p>14 Has anybody stopped and you recognized</p> <p>15 you?</p> <p>16 A I mean, sometimes people recognize me, but</p> <p>17 they don't see anything. I'll see it later on my</p> <p>18 social media like oh, I saw you here. Were you</p> <p>19 here? Sometimes they come up to my husband. So I</p> <p>20 mean, they don't always tell you.</p> <p>21 Q So when you say when you're dressed up and</p> <p>22 when you're going for a photo shoot and you're in</p> <p>23 makeup?</p> <p>24 MR. GOLASZEWSKI: Objection.</p> <p>25 Q I'm just trying to clarify what you said</p>
<p style="text-align: right;">Page 126</p> <p>1 T. TOTH</p> <p>2 A That's Jesse for sure.</p> <p>3 Q If you could turn to the next one, Exhibit</p> <p>4 M of the complaint.</p> <p>5 A I do not know her.</p> <p>6 Q Okay. You can turn to the next one,</p> <p>7 Exhibit N of the complaint.</p> <p>8 A That would be Sheena.</p> <p>9 Q Okay. Next one, Exhibit O of the</p> <p>10 complaint.</p> <p>11 A That's carmen.</p> <p>12 Q Do you consider yourself famous or a</p> <p>13 celebrity?</p> <p>14 MR. GOLASZEWSKI: Objection.</p> <p>15 A I mean, if people recognizing when you're</p> <p>16 out. I mean, it kind of depends on who you ask.</p> <p>17 Q Just you personally, do you think of</p> <p>18 yourself as a celebrity?</p> <p>19 MR. GOLASZEWSKI: Objection.</p> <p>20 A I mean, how do you define that really?</p> <p>21 Q Well, do you put yourself out for the</p> <p>22 public?</p> <p>23 A Yeah. So like an influencer, yes.</p> <p>24 Q So you're saying people stop and even</p> <p>25 recognize you when you're out.</p>	<p style="text-align: right;">Page 128</p> <p>1 T. TOTH</p> <p>2 before.</p> <p>3 You're saying when you're dressed up,</p> <p>4 people recognize you?</p> <p>5 A Sometime, yeah. I mean, there have been</p> <p>6 times I've been out and they recognize you too and I</p> <p>7 didn't look that great.</p> <p>8 Q So did you have any friends or fans</p> <p>9 recognize you from the advertisements on the</p> <p>10 defendants' websites?</p> <p>11 MR. GOLASZEWSKI: Objection.</p> <p>12 Q And inform you that you were associated</p> <p>13 with the strip clubs?</p> <p>14 A I mean, I don't always check all the</p> <p>15 comments. But sometimes, I mean, with all my</p> <p>16 followers, they'll see it or they'll comment to me</p> <p>17 or they'll message me.</p> <p>18 What was the question exactly?</p> <p>19 Q Do any of your friends or fans, anyone</p> <p>20 ever recognize you through the ads that were</p> <p>21 displayed by the Clubs?</p> <p>22 A Yes.</p> <p>23 Q Did somebody post something online</p> <p>24 informing you of this, or did somebody call you?</p> <p>25 Like how did you find out about that?</p>

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<p style="text-align: right;">Page 129</p> <p>1 T. TOTH</p> <p>2 Q I've had, like for example, like two years</p> <p>3 ago, I was in New York walking through Time Square,</p> <p>4 and I was walking to dinner with my husband, and</p> <p>5 there's a picture of me, life-size in front of a</p> <p>6 strip club. Like sometimes I see them myself.</p> <p>7 There has been times fans have sent me saying they</p> <p>8 see it. I mean, it's so many people on social media</p> <p>9 now, it's not hard to find.</p> <p>10 And obviously, like us models will look</p> <p>11 out for each other. They could be like hey, I saw</p> <p>12 your picture here. I mean, we all kind of know each</p> <p>13 other.</p> <p>14 Q Has your agent -- does your agent know</p> <p>15 that your images were used to advertise for the</p> <p>16 strip clubs?</p> <p>17 MR. GOLASZEWSKI: Objection.</p> <p>18 A I think -- yeah, I'm pretty sure. I think</p> <p>19 so.</p> <p>20 Q Did you tell your agent about it, or did</p> <p>21 your agent tell you about it?</p> <p>22 MR. GOLASZEWSKI: Objection.</p> <p>23 A I don't remember.</p> <p>24 Q When I say "your agent," I mean any of the</p> <p>25 agents that you have.</p>	<p style="text-align: right;">Page 131</p> <p>1 T. TOTH</p> <p>2 right?</p> <p>3 A Yes.</p> <p>4 Q Do you consider this picture to be</p> <p>5 offensive?</p> <p>6 MR. GOLASZEWSKI: Objection.</p> <p>7 A Not the photo when I shot it, no.</p> <p>8 Q So what is offensive about this picture</p> <p>9 then?</p> <p>10 A Because someone took this without my</p> <p>11 permission and put it on their flyer to hopefully</p> <p>12 bring in business. And my job is, I get paid to</p> <p>13 model, and they didn't pay me for this, and I don't</p> <p>14 do my job for free.</p> <p>15 Q If you look at the --</p> <p>16 A And because it's a strip club, and I don't</p> <p>17 choose to be associated with a strip club.</p> <p>18 Q You said that you saw your image walking</p> <p>19 through Time Square in front of a strip club,</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q Was it this image you saw?</p> <p>23 A No, it was not this image.</p> <p>24 Q So turn the page, the second page of</p> <p>25 Exhibit A.</p>
<p style="text-align: right;">Page 130</p> <p>1 T. TOTH</p> <p>2 A Yes.</p> <p>3 Q Let's go back a second. Talking about all</p> <p>4 three of your agents, did any of them ever contact</p> <p>5 you and say your likeness was being associated with</p> <p>6 a strip club?</p> <p>7 A No. I don't think that they -- I don't</p> <p>8 remember.</p> <p>9 Q Okay. Have you ever been contacted by a</p> <p>10 strip club offering you employment?</p> <p>11 A No. Not that I'm aware of.</p> <p>12 Q Since these images have been posted, have</p> <p>13 you been contacted by any strip clubs looking to</p> <p>14 post your pictures to advertise for them?</p> <p>15 A No.</p> <p>16 Q So as far as these images that were used</p> <p>17 by the clubs, what did you do to try have those</p> <p>18 images removed?</p> <p>19 A I contacted a lawyer.</p> <p>20 Q Let's go pack to the complaint which is</p> <p>21 marked as TT1.</p> <p>22 The first photo of Exhibit 1 is in</p> <p>23 promotion of the Halloween party, correct?</p> <p>24 A Yes.</p> <p>25 Q At the strip club, as far as you know,</p>	<p style="text-align: right;">Page 132</p> <p>1 T. TOTH</p> <p>2 Was it this image you saw?</p> <p>3 A No, not this.</p> <p>4 Q It's a different image?</p> <p>5 A Yes.</p> <p>6 Q It's the image not in Exhibit A here?</p> <p>7 A It's not for this company.</p> <p>8 Q It's for a different strip club?</p> <p>9 A Yeah. I'm just saying, like I've seen my</p> <p>10 images out there.</p> <p>11 Q Have you seen your image being advertised</p> <p>12 in front of a strip club for any of these named</p> <p>13 defendants in this lawsuit?</p> <p>14 A No, because it was just that one time when</p> <p>15 I was in New York which I am not here often.</p> <p>16 Q Which strip club is it that you saw</p> <p>17 advertising your picture?</p> <p>18 A I mean, that's all confidential. So I</p> <p>19 can't really say.</p> <p>20 Q No, you could say. This is subject to a</p> <p>21 confidentiality agreement.</p> <p>22 MR. GOLASZEWSKI: If you know the name of</p> <p>23 the club that in which the billboard was in</p> <p>24 front of, you can certainly testify to that.</p> <p>25 A I think it was the Diamond one. I'm not</p>

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<p style="text-align: right;">Page 133</p> <p>1 T. TOTH</p> <p>2 familiar with like all strip clubs, because they</p> <p>3 have different affiliations.</p> <p>4 Q So you were saying before that you</p> <p>5 contacted a lawyer.</p> <p>6 That wasn't regarding this lawsuit, it was</p> <p>7 regarding a different lawsuit against that club?</p> <p>8 A Correct.</p> <p>9 Q Without telling me the details of what</p> <p>10 happened, is that matter still going on, or has it</p> <p>11 been resolved?</p> <p>12 A It's been resolved.</p> <p>13 Q How long ago did you resolved it?</p> <p>14 A I don't remember exactly.</p> <p>15 Q So going back to the first picture,</p> <p>16 please, of Exhibit A of the complaint.</p> <p>17 How did you first come to find out about</p> <p>18 this picture being used by the strip club?</p> <p>19 A I don't remember.</p> <p>20 Q Did somebody bring this to your attention</p> <p>21 or did you see this yourself?</p> <p>22 A It could have been myself or it could have</p> <p>23 been another model maybe saw it. I mean, if one of</p> <p>24 us goes on there and sees one, we usually see girls</p> <p>25 we know, and we're not going to not tell each other.</p>	<p style="text-align: right;">Page 135</p> <p>1 T. TOTH</p> <p>2 Q But you currently have multiple lawsuits</p> <p>3 pending, correct?</p> <p>4 A Correct.</p> <p>5 Q Are the other establishments that you're</p> <p>6 suing also strip clubs?</p> <p>7 A Yes.</p> <p>8 Q All of them?</p> <p>9 A Not all of them.</p> <p>10 Q What other establishments are being sued?</p> <p>11 A Well, anyone I don't want to be affiliated</p> <p>12 with. For example, swinger clubs or strip clubs.</p> <p>13 Q If you look at the second image on the</p> <p>14 second page.</p> <p>15 Do you find this advertisement to be</p> <p>16 offensive?</p> <p>17 MR. GOLASZEWSKI: Objection.</p> <p>18 A Not the picture itself. Well, kind of,</p> <p>19 because it's saying that to leave anything to the</p> <p>20 imagination when the reality is even better.</p> <p>21 Meaning, that the reality of it is that I'm going to</p> <p>22 be here at the strip club which is not true. False</p> <p>23 advertisement.</p> <p>24 Q Okay. Thank you. We're going to stick on</p> <p>25 Exhibit A. I'm going to go through -- these are</p>
<p style="text-align: right;">Page 134</p> <p>1 T. TOTH</p> <p>2 But it's not hard. When you're on social media a</p> <p>3 lot, when it comes time for Halloween, there's a</p> <p>4 million Halloween parties, and then someone steals</p> <p>5 your image. It's not that hard. They're out there.</p> <p>6 They're advertising, obviously, so it's reaching</p> <p>7 people, and I'm one of those people.</p> <p>8 Q So if you go on Google Images and you do a</p> <p>9 search for you, you probably see a lot of pictures</p> <p>10 there that you didn't authorize of the use of,</p> <p>11 correct?</p> <p>12 MR. GOLASZEWSKI: Objection.</p> <p>13 A There could be.</p> <p>14 Q Have you ever done that, just done a</p> <p>15 Google Image search and look for the pictures that</p> <p>16 were published without your permission?</p> <p>17 A When I was younger, yes.</p> <p>18 Q But you don't do that anymore?</p> <p>19 A I haven't done it in years.</p> <p>20 Q So why do you choose to bring this</p> <p>21 particular lawsuit?</p> <p>22 A Because I became aware of this one. I</p> <p>23 mean, I can only take one at a time. If I could do</p> <p>24 them all, I would. But I will now, though, so thank</p> <p>25 you.</p>	<p style="text-align: right;">Page 136</p> <p>1 T. TOTH</p> <p>2 pretty specific allegations of the complaint. So</p> <p>3 I'm going to ask you certain things.</p> <p>4 So looking in Exhibit A of the complaints</p> <p>5 with these pictures here -- you could go through</p> <p>6 them if you'd like.</p> <p>7 A Okay.</p> <p>8 Q What about these images do you believe is</p> <p>9 misleading or false?</p> <p>10 MR. GOLASZEWSKI: Objection.</p> <p>11 A So what's false?</p> <p>12 Q False or misleading about these images in</p> <p>13 Exhibit A.</p> <p>14 A It's giving people the idea that I'm going</p> <p>15 to be at this event, and that I'm okay with being at</p> <p>16 a strip club -- I mean, being advertised that I</p> <p>17 either work there or I'm going to be there.</p> <p>18 What else does it say?</p> <p>19 And that girls are guaranteed to cool you</p> <p>20 off which is not true.</p> <p>21 Q Do you believe that using your image --</p> <p>22 A This --I'm sorry.</p> <p>23 Q No, I'm sorry. Continue.</p> <p>24 A This also says another hard week in front</p> <p>25 of you. Come and get ready for it. Which I'm not</p>

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2 in front of whoever is going for this. Yeah, it's

3 just offensive, because I'm not affiliated with any

4 strip clubs.

5 Q Do you believe that using your image had

6 an effect on a person visiting the strip club?

7 A Yes.

8 Q In what way?

9 A Because if they's put a fat unattractive

10 man on here, they would not show up.

11 Q But do you think that using your image in

12 particular, Tiffany Toth's image, had an effect on

13 someone coming to the strip club?

14 MR. GOLASZEWSKI: Objection.

15 A Yes.

16 Q Why?

17 A Because I'm a Playmate, a model who models

18 lingerie and costumes, and they figured in that that

19 brings male attention which is a lot of their

20 customers.

21 Q Wouldn't you agree that if you put the

22 image of any attractive woman as the advertisement

23 of the strip club, it would have the same effect as

24 having your image?

25 MR. GOLASZEWSKI: Objection.

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2 A No.

3 Q Why not?

4 A Because they would have used their own

5 girls that really work there, but they didn't.

6 Because if they believe that their girls bought in

7 attention, they would have used them for it.

8 Q What I'm saying is that could they have

9 used the image of any woman who in a bikini, to

10 advertise for the strip, having the same effect as

11 having you advertise for the strip club?

12 MR. GOLASZEWSKI: Objection.

13 A I mean, there's no way to really say for

14 sure.

15 Q Your opinion.

16 A But it's not a fact, so I don't know.

17 Q Do you claim that you were injured as a

18 result of these posting?

19 A Injured how?

20 Q Damaged, economically endangered?

21 A I mean, for us in our industry, if they

22 just -- when you don't -- how do I say this?

23 If someone sees something they're not

24 happy with or thinks you're affiliated with, they're

25 not going to hire you and they're not going to tell

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2 you. So you have no way of knowing. So it's kind

3 of like going to an audition, you don't know why you

4 didn't get the job. They're not going to call every

5 single person.

6 So for example, had Playboy when was in my

7 contract, and they saw this and thought I, you know,

8 shot for this or I'm appearing here, they won't book

9 me anymore. So I lose work, and they don't tell you

10 why. Playboy would, but most jobs, they're just

11 going to see you affiliated with this, and they're

12 not going to hire you

13 Q Do you believe that your personal

14 reputation has suffered because of this?

15 MR. GOLASZEWSKI: Objection.

16 A I mean, I -- personally, it's just

17 offensive. I mean, people that know me, know me.

18 Q And the people that know you, know that

19 you didn't sign up for this, correct?

20 A Yeah, correct. But other people don't.

21 Q Who is other people?

22 A Society. People on social media. They

23 figure if your face is on something, it was a job

24 that you were paid for, that you agreed to that.

25 Q So as far as you know, were you ever

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2 turned down from a photo shoot because of these

3 postings?

4 A They won't tell you. They just don't hire

5 you.

6 Q So as far as you know, that didn't happen?

7 A I mean, you don't know. That's just not

8 like how the industry works. They just don't tell

9 you.

10 Q Do you contend that you have suffered

11 future loss of earnings because of these posting?

12 A It could, yes.

13 Q Do you know when these photos were posted?

14 A These ones on their social media?

15 Q Yes.

16 A I mean, it usually says on them.

17 Q You can look through.

18 A I don't know. It looks like it was

19 cropped out, so it doesn't say exactly.

20 Q So you could look at the second page. It

21 actually has on there, April 15, 2014.

22 A Yeah.

23 Q I believe that's the only one with the

24 date.

25 So the only one we see here is April 2014,

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1 T. TOTH

2 correct?

3 A Correct.

4 Q And as of the date of filing this lawsuit

5 in January of 2016, are you aware of whether or not

6 these pictures are still posted?

7 A I haven't checked recently.

8 Q From January 2016 when this lawsuit was

9 first filed, are you aware whether or not those

10 photos were still being used by these defendants?

11 A I don't remember.

12 Q But you testified before that your income

13 [REDACTED], correct?

14 MR. GOLASZEWSKI: Objection.

15 A Yeah, because social media wasn't as big

16 as it is now.

17 Q When? 2014, it wasn't as big as it is

18 now?

19 A Yeah. I don't even know if I was on

20 Instagram. I mean, social media is kind of a bigger

21 thing than it was.

22 Q But as far as your personal income, from

23 2014 to when these photos were first posted to 2015,

24 [REDACTED]?

25 A Probably because of social media too.

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1 T. TOTH

2 Q Because of social media, okay.

3 Do you have any feeling either way, or

4 knowledge either way, whether or not these

5 defendants intended to use Tiffany Toth's pictures

6 on their advertisement?

7 MR. GOLASZEWSKI: Objection.

8 A I have no way of knowing that.

9 Q Whether or not they knew you from before

10 and chose your pictures to put on their website?

11 MR. GOLASZEWSKI: Objection.

12 A They could have.

13 Q Do you know -- and going back to what you

14 said before -- is that these photos were taken on

15 behalf of Roma and Mystery House, right.

16 Do you know whether or not Roma sold your

17 photos to third parties?

18 A They do not.

19 Q How do you know that?

20 A Because it's in their release. And they

21 only use their images with, for example, a website

22 that carries their product. That's all that the

23 release allows.

24 Q Okay. And as far as Mystery House, are

25 you aware of whether or not they sell their images

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1 T. TOTH

2 to third parties?

3 A They do not.

4 Q And it's because you say this is also this

5 the release for Mystery House?

6 A Yes, because I only signed for them to use

7 for their catalogs and their flyers.

8 Q Okay. And if you could look through the

9 Exhibit A. I didn't see anywhere where it was

10 indicated your name. Scroll through them.

11 I didn't see anywhere where these

12 defendants ever indicated this is Tiffany Toth; is

13 that correct?

14 MR. GOLASZEWSKI: Objection.

15 A Correct. They don't need to.

16 Q And just looking at your complaint also,

17 you claim that you've been endangered \$75,000,

18 correct?

19 MR. GOLASZEWSKI: Objection.

20 A Correct. If that's what it says, yes.

21 Q How did you come up with that number?

22 A Well, I have an expert that helps me with

23 that, that knows how this works.

24 Q Do you think that is a fair amount to be

25 paid for these photos?

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1 T. TOTH

2 A Yes.

3 Q Why do you think that's a fair amount?

4 A Because I would have never even done the

5 job for any amount of money.

6 Q Now, do you know whether or not that these

7 defendants knew that they didn't have permission to

8 use your photographs?

9 MR. GOLASZEWSKI: Objection.

10 A I'm sorry, repeat that.

11 Q Do you have any knowledge either way

12 whether or not these defendants knew that they

13 didn't have permission or a license to use these

14 photographs?

15 A I can't say that for sure. I mean, it's

16 common knowledge. You don't just take photos.

17 Everybody has their rights. But I would assume they

18 knew better.

19 MR. SPIEGEL: Off the record.

20 (Whereupon, an off-the-record

21 discussion was held at this

22 time.)

23 MR. SPIEGEL: Rebecca Goldstein is just

24 going to ask a couple of questions.

25 EXAMINATION BY

TIFFANY TOTH
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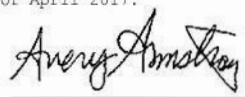
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<p style="text-align: right;">Page 145</p> <p>1 T. TOTH</p> <p>2 MS. GOLDSTEIN:</p> <p>3 Q Have you ever heard of a company called</p> <p>4 Timed Out, LLC.</p> <p>5 A Yes.</p> <p>6 Q How are you affiliated with them?</p> <p>7 MR. GOLASZEWSKI: Objection.</p> <p>8 A I know him personally.</p> <p>9 Q Who is him?</p> <p>10 A Peter.</p> <p>11 Q Peter. What's his last name?</p> <p>12 A Peter Hamm.</p> <p>13 Q And does Peter Hamm own Timed Out, LLC, to</p> <p>14 the best of your knowledge?</p> <p>15 A Correct.</p> <p>16 Q What does Timed Out do?</p> <p>17 A Works as an agent, manager.</p> <p>18 Q And is Timed Out your agent?</p> <p>19 A At times, yes.</p> <p>20 Q What type of agent?</p> <p>21 A Helps me with my like, I guess, you could</p> <p>22 say likeness of images. For example, like this kind</p> <p>23 of situation.</p> <p>24 Q So Peter Hamm is your agent or Timed Out</p> <p>25 would be your agent for these purposes?</p>	<p style="text-align: right;">Page 147</p> <p>1 T. TOTH</p> <p>2 A I'd have to refer back to the paperwork.</p> <p>3 Q Okay. And how did you meet Peter Hamm?</p> <p>4 A I met him just like through the modeling</p> <p>5 agency -- not modeling agency, through the modeling</p> <p>6 industry through my agent, NTA.</p> <p>7 Q NTA you said?</p> <p>8 A Yeah.</p> <p>9 Q And they do your print work, are your</p> <p>10 print agent?</p> <p>11 A Yes.</p> <p>12 Q So do you -- have you paid Timed Out or</p> <p>13 Peter Hamm to help you in connection with these</p> <p>14 lawsuits?</p> <p>15 A No, I haven't paid him.</p> <p>16 Q So does he pay you?</p> <p>17 A No.</p> <p>18 Q Do you have any type of written agreement</p> <p>19 or any -- do you have any written agreement with him</p> <p>20 or with Timed Out?</p> <p>21 A I mean, I always have written agreements</p> <p>22 with my people, yes.</p> <p>23 Q And if you know, what's the subject of</p> <p>24 your agreement with Peter Hamm or Timed Out?</p> <p>25 A I'd have to refer back to it.</p>
<p style="text-align: right;">Page 146</p> <p>1 T. TOTH</p> <p>2 A Well, his company is Timed Out.</p> <p>3 Q So to the best of your knowledge, is he</p> <p>4 the president of Timed Out?</p> <p>5 A Yes.</p> <p>6 Q Do you know if he's the only owner of the</p> <p>7 company?</p> <p>8 A I'm not sure.</p> <p>9 Q So you said Timed Out and Peter Hamm help</p> <p>10 you with situations like this.</p> <p>11 You mean this lawsuit?</p> <p>12 A Yes. I mean, if I contact him, yes, for</p> <p>13 like advise or -- yeah.</p> <p>14 Q And did you contact him in connection with</p> <p>15 this lawsuit?</p> <p>16 A I don't know if it was this one or not.</p> <p>17 Q But you've contacted him in connection</p> <p>18 with other lawsuits that you've filed?</p> <p>19 A Yes.</p> <p>20 Q And was one of those Timed Out versus LA</p> <p>21 Girl Jewelry?</p> <p>22 Does that ring a bell?</p> <p>23 A Probably, yes.</p> <p>24 Q Do you remember what your claims were in</p> <p>25 that case?</p>	<p style="text-align: right;">Page 148</p> <p>1 T. TOTH</p> <p>2 Q Have you ever owned any part of Timed Out?</p> <p>3 A No.</p> <p>4 Q Or have any equity stake in it?</p> <p>5 A No.</p> <p>6 Q And you said you weren't sure if they have</p> <p>7 any affiliation with this lawsuit, if they've helped</p> <p>8 you with this at all?</p> <p>9 A I'd have to look back. I'd have to look</p> <p>10 back at e-mails.</p> <p>11 Q E-mails with Peter Hamm or Timed Out?</p> <p>12 A Well, no. Just in general.</p> <p>13 MS. GOLDSTEIN: Okay. I think that's all</p> <p>14 of that.</p> <p>15 Q So have you understood all of the</p> <p>16 questions that you were asked today?</p> <p>17 A To the best my knowledge, yes.</p> <p>18 Q Have you answered all of the questions</p> <p>19 truthfully, to the best of your ability?</p> <p>20 A Yes.</p> <p>21 Q And is there anything else that you feel</p> <p>22 that's important to state today?</p> <p>23 A I don't think so. Just that I didn't give</p> <p>24 permission or work for the company. So that's about</p> <p>25 it.</p>

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Page 149		Page 151	
1	T. TOTH	1	
2	MS. GOLDSTEIN: Okay.	2	TT12 photograph 50
3	MR. SPIEGEL: John, do you have any	3	TT13 photograph 54
4	follow-up questions?	4	TT14 photograph 57
5	MR. GOLASZEWSKI: Nothing for plaintiffs.	5	TT15 photograph 58
6	MR. SPIEGEL: Okay. We're done. Thank	6	TT16 photograph 60
7	you.	7	TT17 sample release form 88
8	(Whereupon, at 3:17 p.m., the	8	TT18 contract with Blackheart Rum 100
9	examination of this witness was	9	TT19 2011 financial information 104
10	concluded.)	10	TT20 2012 financial information 104
11		11	TT21 2013 financial information 105
12	_____ TIFFANY TOTH	12	TT22 2014 financial information 106
13		13	TT23 2015 financial information 106
14		14	
15		15	(Exhibits retained by Reporter.)
16	Subscribed and sworn to before me	16	
17	this ____ day of _____, 20____.	17	
18		18	
19	_____ NOTARY PUBLIC	19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	

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1		1	
2	I N D E X	2	C E R T I F I C A T E
3	EXAMINATION BY PAGE	3	STATE OF NEW YORK)
4	MR. SPIEGEL 4	4	:ss.:)
5	MS. GOLDSTEIN 144	5	COUNTY OF KINGS)
6		6	
7	INFORMATION AND/OR DOCUMENTS REQUESTED	7	I, AVERY N. ARMSTRONG, a Notary Public for
8	INFORMATION AND/OR DOCUMENTS PAGE	8	and within the State of New York, do hereby certify:
9	contracts for the past 10 years with 93	9	That the witness whose examination is
10	Mystery House or Roma.	10	hereinbefore set forth was duly sworn and that such
11	2016 tax returns 103	11	examination is a true record of the testimony given
12	witness's model release 111	12	by that witness.
13	E X H I B I T S	13	I further certify that I am not related to
14	EXHIBITS FOR ID PAGE	14	any of the parties to this action by blood or by
15	TT1 second amended complaint 7	15	marriage and that I am in no way interested in the
16	TT2 photograph 26	16	outcome of this matter.
17	TT3 photograph 27	17	IN WITNESS WHEREOF, I have hereunto set my
18	TT4 photograph 30	18	hand this 13th day of April 2017.
19	TT5 photograph 30	19	
20	TT6 photograph 33	20	
21	TT7 photograph 34	21	AVERY N. ARMSTRONG
22	TT8 photograph 38	22	
23	TT9 photograph 43	23	
24	TT10 photograph 43	24	
25	TT11 photograph 46	25	